

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,	:
	:
Plaintiff,	:
	:
v.	: Civil Action No. 05-495-JJF
	:
LAWNS UNLIMITED LTD. and	:
EDWARD FLEMING,	:
	:
Defendants.	:

ORDER

WHEREAS, on December 7, 2006, Defendants filed a Motion For Extension Of Time To Complete Discovery (D.I. 36) requesting the Court to re-open the discovery period which closed on October 17, 2006, with little, if any, discovery obtained by either party;

WHEREAS, on December 27, 2006, Defendants filed a Motion To Withdraw Admissions (D.I. 38) requesting the Court to allow Defendants to withdraw their admissions to Plaintiff's first request for admissions pursuant to Fed. R. Civ. P. 36(b) because, inter alia, Defendants obtained new counsel on November 10, 2006;

WHEREAS, Plaintiff did not file a response brief in opposition to Defendants' Motion To Withdraw Admissions (D.I. 38);

WHEREAS, on February 26, 2007, the Court entered a revised Scheduling Order setting June 1, 2007, as the deadline for discovery and June 15, 2007, as the deadline for filing case dispositive motions;

WHEREAS, the Court concludes that, in light of the unlikelihood that re-opening the discovery period or allowing Defendants to withdraw their admissions will prejudice Plaintiff due to the amount of time available to prepare for trial and the Third Circuit's preference that a case be resolved on the merits, see Scarborough v. Eubanks, 747 F.2d 871, 878 (3d. Cir. 1984);

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. Defendants' Motion For Extension Of Time To Complete Discovery (D.I. 36) is GRANTED.
2. Defendants' Motion To Withdraw Admissions (D.I. 38) is GRANTED.

February 27, 2007


UNITED STATES DISTRICT JUDGE